

**Meeting of the Central Valley Flood Protection Board
June 20, 2008**

**Draft Staff Report - Supplement
Final CEQA Findings and Staff Recommendation**

Description

To install two 36-inch-diameter HDPE discharge pipes through the left (east) bank levee and tie into the existing outfall structure and place riprap on the left (east) bank.

CEQA Compliance and Project History (Board Encroachment Permit No. 17595)

A component of the U.S. Army Corps of Engineers' Phase II Sacramento River Flood Control Project – Site 7 Extension was the removal of Reclamation District 784's Pump Station No. 2 and reconstruction / relocation of the station approximately at a site approximately 100 feet landward of the levee toe.

The Reclamation Board, acting as lead agency under CEQA, and the Corps, as the federal sponsor, jointly prepared a Supplemental Environmental Assessment / Initial Study for the project. The pump station was designed to accommodate four pumps and four 36-inch diameter discharge pipes, and included an outfall structure on the waterward slope and box culvert through the left (east) bank of the Feather River levee.

The Reclamation Board filed a Mitigated Negative Declaration (SCN 2002082089) on August 26, 2002. No comment letters were received from reviewing agencies. The Board approved the project and filed a Notice of Determination on February 20, 2003 stating that:

- the project had been approved;
- it would not have a significant effect on the environment;
- a Negative Declaration was prepared pursuant to the provisions of CEQA;
- mitigation measures were made a condition of the project;
- and findings were made pursuant to the provisions of CEQA.

In March 2003 Reclamation District 784 applied for an encroachment permit (No. 17595) to relocate and construct the new pump station. Due to budgetary constraints of the District only two pumps and discharge pipes were included in this permit application, but the overall station was designed to accommodate a future build-out of four pumping units.

The Reclamation Board approved permit No. 17595 on May 7, 2003. The project was constructed by the U.S. Army Corps of Engineers (Phase II Sacramento River Flood Control Project – Site 7 Extension, Contract 2D) between April and November 2004.

CEQA Compliance (Board Permit No. 18280)

In August 2007 Reclamation District 784 applied for the current encroachment permit under consideration which proposes to install the remaining two pumping units and discharge pipes.

The pump station was designed to include four pumping units and discharge lines, and the Environmental Assessment / Initial Study and Mitigated Negative Declaration evaluated that same design. There have been no substantial changes in the project or in the circumstances surrounding the project that would involve new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. Therefore Board staff concludes that no new environmental evaluations are necessary at this time and that CEQA compliance has been met by the previous environmental analysis and findings.

Staff Recommendation

Staff recommends that the Board approve the permit.

Attachment C – Notice of Determination / Mitigated Negative Declaration

Notice of Determination Handbook

Form C

To: ☒ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 222
Sacramento, CA 95812-3044

From: (Public Agency) The Reclamation Board
1416 Ninth Street, Room 1601
Sacramento CA 95814

☐ County Clerk
County of _____

(Address)

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Sacramento River Flood Control System Evaluation Phase II Site 7 Extension

Project Title2002082089The Reclamation Board(916) 653-5434

State Clearinghouse Number
(If submitted to Clearinghouse)

Lead Agency
Contact Person

Area Code/Telephone/Extension

Feather River levee near confluence with Bear River, Yuba County

Project Location (include county)**Project Description:**

Levee modifications on approximately 1.8 miles of existing levee consisting of a combination of seepage berm, stability berm and 20 relief wells along landside toe of levee. Relocation of pump station No.2 of R.D. 784 approximately 100 feet landward of its current location

This is to advise that the Reclamation Board has approved the above described project on

☒ Lead Agency ☐ Responsible Agency

and has made the following determinations regarding the above described project:

(Date)

1. The project ☐ will ☒ will not have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures ☒ were ☐ were not made a condition of the approval of the project.
4. A statement of Overriding Considerations ☐ was ☒ was not adopted for this project.
5. Findings ☒ were ☐ were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

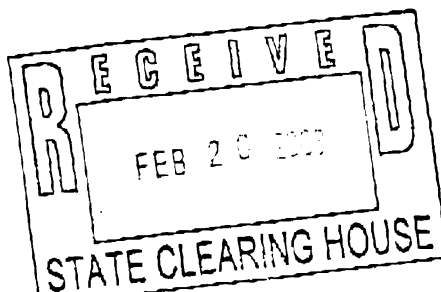
Paul D. DeBor
Signature (Public Agency)

FEB 20, 2003
Date

General Manager
Title

Date received for filing at OPR:

Revised May 1999



**MITIGATED NEGATIVE DECLARATION FOR
THE SACRAMENTO RIVER FLOOD CONTROL SYSTEM EVALUATION
PHASE II - SITE 7 EXTENSION**

The Reclamation Board of the State of California is acting as lead agency under the California Environmental Quality Act, for the Sacramento River Flood Control System Evaluation Phase II - Marysville/Yuba City Area Levee Reconstruction Project, Site 7 Extension in Yuba County, California. The Board and the U.S. Army Corps of Engineers, which is the federal sponsor, have jointly prepared a Supplemental Environmental Assessment/Initial Study for the work proposed under the Project. This Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act guidelines. The Corps proposes to issue a Finding of No Significant Impact in accordance with the National Environmental Policy Act.

PROJECT LOCATION

The Marysville/Yuba City area is located within the Central Valley at the confluence of the Yuba and Feather Rivers. The project area is located just north of the confluence of Feather and Bear Rivers, approximately 11 miles south of Yuba City, California. The Site 7 Extension would take place south of the Site 7 levee reconstruction along approximately 1.8 miles of the existing levee on the east side of the Feather River. In addition, Pump Station No. 2 of Reclamation District No. 784 (RD 784) would be moved approximately 100 feet landward of the levee toe.

PROJECT DESCRIPTION

This EA/IS describes the proposed extension of levee reconstruction that was completed for Site 7 under the Sacramento River Flood Control System Evaluation - Phase II, Marysville/Yuba City Area Levee Reconstruction Project in Yuba County, California. It also supplements information presented in the 1992 Sacramento River Flood Control System Evaluation, Phase II-V Programmatic Environmental Impact Statement/Environmental Impact Report; the 1993 Sacramento River Flood Control System Evaluation, Phase II Environmental Assessment/Initial Study; and the 1998 Final Environmental Impact Statement/Environmental Impact Report completed for the Corps' Yuba River Basin Project. This EA/IS is specific to the work needed to improve levee stability and reduce seepage problems on approximately 1.8 miles of levee on the east side of the Feather River just north of its confluence with the Bear River. This work also includes repair of RD 784's Pump Station No. 2.

Proposed levee modifications at Site 7 Extension include installation of a combination of seepage berm, stability berm, and 20 relief wells along the landside toe of the levee. Construction would begin with clearing the permanent easement of vegetation and debris, followed by installation of the seepage berm, stability berm, and relief wells. Following completion of the modifications, a five-strand barbed wire fence would be installed along the east border of the new permanent easement to prevent damage to the new structures.

In addition, Pump Station No. 2 of RD 784 would be moved approximately 100 feet landward of its current location. This relocation involves several activities, including installing temporary coffer dams and site dewatering; stabilizing the new area; degrading the existing levee as necessary to construct a new box culvert; constructing concrete walls, an invert slab, and a concrete box culvert at the new pump station; placing riprap at the outfall structure; constructing the new pump station and installing new piping; and removing coffer dams after construction. The total estimated construction easement for the pump relocation is approximately 200 feet by 500 feet (2.3 acres).

POTENTIAL IMPACTS TO THE ENVIRONMENT AND MITIGATION MEASURES

Based on analyses completed for the 1993 EA/IS for Phase II, there will be no significant effects to soils, socioeconomics, recreation, geology and seismicity, esthetics, or noise. Analysis for the proposed action in this document determined that there will be no significant effect on land use, agriculture, prime and unique farmlands, fisheries, cultural resources, hazardous and toxic waste, and traffic. Potentially significant effects to vegetation and wildlife, special status species, air quality, and water quality were identified. These effects are listed below, along with the mitigation measures that will be adopted to reduce these effects to less-than-significant.

Vegetation and Wildlife – Construction of the proposed action would result in the permanent loss of four valley oak trees and two cottonwood trees, 0.1 acre of scrub-shrub habitat, and a permanent loss of 0.2 acre of open water/emergent marsh. In addition, there would be permanent disturbance of approximately 1.8 acres of grassland due to the installation of the concrete drainage ditch for the relief wells. Impacts to riparian woodland habitat will be avoided, with protective fencing in those habitat areas. Mitigation measures identified to reduce impacts to less-than-significant include:

- Minimize losses of native vegetation by reseeding and revegetating construction sites temporarily affected by construction prior to the rainy season to enhance germination and plant establishment.
- Minimize effects on fish and fish habitat by scheduling construction during the low water period and by providing silt fences to avoid sediment, debris, and construction contaminants from entering the water.
- Permanent adverse effects to fish and wildlife resources would be compensated by acquiring 0.33 acre of habitat at a U.S. Fish and Wildlife Service approved mitigation bank. This mitigation includes 0.12 acre for the loss of two cottonwood and four valley oak trees, and 0.21 acre of scrub-shrub habitat due to the relocation of the pump station. Additional information on how mitigation acreages were derived is included in Appendix A, the U.S. Fish and Wildlife Coordination Act Report.
- Permanent loss of 1.8 acres of grassland/agricultural land would be

compensated for by acquiring additional permanent easements along the side of the levee, which would be permanently maintained as grassland and initially reseeded with native grasses and/or forbs.

Special Status Species – The proposed action could have an effect on several federal- and State-listed species, including giant Garter snake, Swainson's hawk, Sacramento splittail, northwestern pond turtle, western yellow-billed cuckoo, and Valley elderberry longhorn beetle. Consultation with the U.S. Fish and Wildlife Service has been completed. Potential impacts and mitigation measures have been identified to reduce impacts to less-than-significant.

- **Giant Garter snake** – Potential adverse effects could include loss of individual garter snakes due to construction activity and loss or disturbance of supporting habitat within and along drainage ditches. Approximately 0.2 acre of giant Garter snake aquatic habitat and an associated 1.84 acres of upland habitat will be permanently lost. Mitigation measures to avoid or reduce potential impacts include:

Mitigation credits at a 3:1 ratio will be purchased at a USFWS authorized conservation bank. Total credits purchased would be 6.12 acres.

Avoidance measures include pre-construction inspection by a qualified biologist, worker awareness training, flagging nearby habitat environmentally sensitive to the snake and posting signs restricting speed to 15 miles per hour, constructing only during the snake's active period (May 1 through October 1), allowing a 15 day minimum drying period after any habitat is dewatered, and restoring any disturbed habitat to its pre-project condition.

If a giant garter snake is encountered during construction, activities would cease until capture and relocation of the snake has been completed by the USFWS approved biologist. Any incidental take would be reported to USFWS immediately by telephone.

- **Swainson's hawk** - Although no nesting sites were observed during 2002 field surveys there is a possibility they could establish a nest in a different tree that could be adversely affected by the project. Disturbance to nest sites could occur. Construction would temporarily remove approximately 18 acres of potential foraging habitat. However, the foraging habitat will be restored upon completion of construction and there is a large amount of foraging habitat within a one to five mile radius of the project area. Therefore the temporary loss of foraging will have a minimal effect on Swainson's hawks. Mitigation measures for potential impacts to nesting Swainson's hawks include:

Pre-construction surveys will be conducted by a qualified biologist in cooperation with the Department of Fish and Game to determine whether hawks are nesting within or adjacent to project construction sites. Surveys will be conducted during the breeding season, March 15 to August 15. If a nest is located within a one-half mile radius, DFG will be consulted to determine if the proposed work activity would disturb the nest.

If nests are found, no project construction would take place between March 1 and May 1 when the Swainson's hawks are returning from their winter migration and establishing nest territories.

A worker awareness program for levee construction workers would be conducted by a qualified Corps biologist prior to the start of construction. The program would provide workers with information on their responsibilities with regard to sensitive biological resources.

Any potential Swainson's hawk nest trees planned for removal must be removed between October 1 and February 28 (outside the hawk nesting season). Trees to be removed must be replaced by native species at a 2 to 1 ratio.

- Sacramento splittail – The pump outfall channel and the riparian woodland habitat along the Feather River offer potential habitat for splittail. Temporary installation of a cofferdam at the mouth of the outfall pool and dewatering of the pool have the potential to adversely affect any splittail within the pool. These potential impacts could be considered incidental take of federally listed species. The U.S. Fish and Wildlife Service, under formal Section 7 consultation, determined that this project is not likely to adversely affect the splittail.

In addition to formal Section 7 consultation, the following measures will be implemented to minimize the potential for incidental take of these species:

All in-water construction activity shall be conducted between July 1 and December 1.

The channel banks to the west of the outfall pipes will be revegetated with U.S. Fish and Wildlife Service approved seed mix, with the revegetation to be completed prior to the rainy season.

A U.S. Fish and Wildlife Service-approved biologist would be onsite to monitor placement and removal of the coffer dam and dewatering of the outfall pool. If any fish are observed during these activities the biologist would relocate the fish downstream of the project construction area. The biologist would immediately inform the Service if any special-status species are observed.

Best management practices to minimize sediments and construction debris from entering waterways (such as a silt fence or other sediment controls) would be implemented during construction activities.

Hazardous materials such as petroleum products would be stored in containment structures away from all waterways and any hazardous material spills would be cleaned up immediately and disposed of at a certified disposal site.

- Northwestern pond turtle – There is marginally suitable habitat in the drainage ditches for pond turtles. Permanently filling the section of drainage ditch due to

relocation of the pump station would remove approximately 0.2 acre of habitat for use by the pond turtle and construction activity near drainage ditches could disturb basking sites or potential food sources. To reduce potential impacts to pond turtles, the following measures would be implemented:

A survey for the northwestern pond turtle would be completed by a qualified biologist prior to construction. The surveys would be coordinated with DFG and conducted using their protocols.

If pond turtles are present, coordination with DFG would take place to determine appropriate actions to avoid harming the species during construction.

A worker awareness program would be conducted to provide workers with information on their responsibilities with regard to sensitive biological resources.

- Western yellow-billed cuckoo – Any temporary disturbance to riparian woodland could have a significant effect on individual yellow-billed cuckoo present or nesting in the area to be disturbed. Disturbance to yellow-billed cuckoo habitat will be avoided to the extent practicable. If disturbance to their habitat is necessary, a qualified biologist would survey the site prior to any disturbance to check for presence of the species and for any yellow-billed cuckoo nests. If they are present the DFG will be contacted to determine appropriate actions to avoid harming the species.

- Valley elderberry longhorn beetle – Construction activities could encroach on the 100-foot buffer from elderberry bushes that are identified for complete avoidance in the Service's Conservation Guidelines for the Valley Elderberry Longhorn Beetle. A 75-foot buffer zone of heavy riparian vegetation exists between the project site and any elderberry bushes, so construction is not likely to adversely affect the species. Additional measures to reduce the potential disturbance to VELB habitat include:

All areas to be avoided will be fenced and flagged prior to construction. The 75-foot buffer zone of vegetation would be maintained and the vegetation not disturbed.

Construction personnel would be briefed by a Corps biologist on the need to avoid damaging the elderberry plants and possible penalties for not complying with these requirements.

Signs would be posted every 50 feet along the edge of the avoidance areas explaining the sensitivity of the habitat and, if disturbed, the violators would be subject to prosecution, fines, and imprisonment. The signs would remain in place until the construction is complete.

Air Quality – Construction emissions of reactive organic gases, carbon monoxide, nitrogen oxides and particulate matter under ten microns would occur during project construction and could affect air quality. Based on the Sacramento Metropolitan Air Quality Management District Road Construction Air Emissions Model, Version 3.1,

emissions of these constituents are below the State and federal thresholds of significance for air quality. Implementation of additional best management practices recommended by the Feather River Air Quality Management District would ensure the levels of project emissions would remain at a less-than-significant level. The practices include:

- During construction, implement all appropriate dust control measures in a timely and effective manner.
- Sufficiently water all material to prevent fugitive dust from leaving construction area borders.
- Periodically water all construction areas having vehicle traffic.
- Limit speed of all vehicles traveling on unpaved roads to 20 miles an hour or less.
- Suspend all grading, earth moving, or excavation activities when winds exceed 20 miles per hour.
- Sufficiently water or cover all material transported offsite to prevent generation of dust.
- Sweep or wash paved streets adjacent to construction sites to remove excessive accumulations of soil or dust.
- All trucks hauling any construction materials will maintain a buffer of at least two feet between the top of the load and the top of the truck, in accordance with the requirements of California Vehicle Code Section 23114.
- The contractor would provide a plan for approval by the FRAQMD demonstrating that all heavy-duty vehicles would achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent California Air Resources Board fleet average.
- A comprehensive inventory of all off-road construction equipment equal to or greater than 50 horsepower will be submitted to the FRAQMD on a monthly basis during construction.

Water Quality – Impacts to water quality could occur, particularly as a result of construction activities related to relocation of the pump station. Potential impacts that could occur include temporary increases in turbidity, deposition, erosion, siltation, and elevated water temperatures. Additionally, contamination of surface water and/or channel soils could result from construction activities. Relocation of Pump Station No. 2 would require permanent fill below normal high water, resulting in a permanent fill of 0.2-acre wetland in the irrigation drainage channel and private drainage ditch.

The 404(b)(1) analysis concludes that the proposed project complies with the Clean Water Act and includes appropriate measures to minimize pollution or adverse effects on the aquatic ecosystem. Additionally, the following best management practices will reduce potential impacts to a less-than-significant level:

- Project construction will occur between May and October when creek and river flows are usually low. Best management practices during construction, such as dewatering the drainage, the irrigation drainage ditch, and outfall channel between the coffer dams, will reduce the potential for water quality impacts.
- A State water quality certification and an NPDES general permit would be acquired from the Central Valley Regional Water Quality Control Board. This will include a storm water pollution prevention plan with a list of all best management practices to be implemented in order to reduce any effects to less than significant.
- Best management practices would include proper disposal of oil or liquid wastes, maintaining vehicles and equipment in areas designed to capture spills, regular inspection of vehicles and equipment to prevent spills, training construction personnel in storm water pollution prevention practices, and if rain is forecast during the construction period provide temporary erosion control measures such as berms or silt fences.
- Prior to the start of the rainy season, stabilize and revegetate all areas disturbed by construction activity.

CUMULATIVE AND GROWTH-INDUCING EFFECTS

The 1993 EA/IS and the 1998 Yuba River Basin FEIS/FEIR analyzed the cumulative and growth-inducing effects of the Phase II project and the Yuba River Basin project, respectively, on resources in the Site 7 Extension project area. The analyses concluded that although these two projects could have significant contributions to cumulative effects, the compliance requirements for federal, State, and local environmental laws and regulations would reduce these contributions to a less-than-significant level. Neither of these two projects was considered to have significant growth-inducing effects.

Although the Site 7 Extension is much smaller, the analyses of cumulative and growth-inducing effects for these projects are applicable to the Site 7 Extension because of shared project locations and similar proposed actions. Project-specific aspects of the Site 7 Extension are discussed below.

Cumulative Effects - NEPA and CEQA require the consideration of cumulative effects which are the incremental effects of an action when added to other past, present, and reasonably foreseeable future actions (CFR 40 Part 1508.7). Related water resource

projects in the study area are located along the Yuba and Feather Rivers and tributaries around Marysville, Linda, and Olivehurst. Projects along the Feather River include the Oroville Dam, the Sacramento River Flood Control Project, the Sacramento River Flood Control System Evaluation, and the Sacramento River Bank Protection Project. Descriptions of these projects were included in the 1998 Yuba River Basin FEIS/FEIR. The Yuba River Basin Project is a levee improvement project scheduled to begin construction in September 2003.

Yuba County has received applications for five subdivisions in the vicinity of the project area, with the potential development for approximately 4,600 lots. The earliest possible groundbreaking for any of these subdivisions would be January 2003, with a possible buildout of all lots by 2008 (Calarco 2002). These subdivisions would be located along Highway 70 north and east of Feather River Boulevard.

The proposed action could result in direct contributions to cumulative effects of these past, present, and future projects. Permanent effects to vegetation and wildlife including special status species would contribute to cumulative loss of habitat in the vicinity of the project. However, implementation of the mitigation measures in Sections 3.3.4 and 3.4.4 would reduce the proposed action's contribution to less than significant. Also, the temporary effects to traffic, air quality, and water quality as a result of construction would not be considered significant contributions to cumulative effects because of their temporary nature. No significant indirect effects would be expected from the project.

Even though existing and future projects could have significant cumulative effects in the vicinity of the project area, all projects would be required to comply with applicable federal, State, and local environmental laws and regulations. Under CEQA, any potentially significant effects caused by these projects are required to be avoided or mitigated to less-than-significant levels. Therefore, cumulative project effects in the project area would not be considered significant or would be mitigated to less-than-significant levels.

Growth-Inducing Effects - Implementation of the Site 7 Extension levee modifications would maintain the current level of flood protection. It would not increase the level of flood protection for the project area. Therefore, this project would not contribute to growth-inducing effects within the vicinity of the project area. Any growth in the area would be consistent with the Yuba County General Plan.

FINDINGS

The EA/IS has identified potentially significant impacts to vegetation and wildlife, special status species, air quality, and water quality. Mitigation measures have been adopted to reduce these potential effects to less than significant. The Board, therefore, has determined that the proposed project with the adopted mitigation measures will not have a significant effect on the environment. This determination represents the independent judgment of the Board.

Therefore, a "Finding of No Significant Impact" and a Negative Declaration have been prepared to accompany this EA/IS.

ADMINISTRATIVE RECORD

The administrative record for this project is available for public review at The Reclamation Board, 1416 Ninth Street, Room 1601, Sacramento, California 95814

APPROVED:

Dated: 2/20/03

By Peter D. Rabbon
Peter D. Rabbon
General Manager